

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MAISHA EMMANUEL, ON BEHALF OF)
HERSELF AND ALL OTHERS)
SIMILARLY SITUATED,)
PLAINTIFF,) CIVIL ACTION NO. 1:15-CV-12914
v.)
HANDY TECHNOLOGIES, INC.,)
DEFENDANT.)

)

**DEFENDANT'S MOTION FOR ORDER STAYING PROCEEDINGS PENDING A
DETERMINATION ON DEFENDANT'S MOTION TO COMPEL**

Plaintiff Maisha Emmanuel (“Plaintiff” or “Emmanuel”) filed her Complaint on July 7, 2015 alleging violations of (1) the Fair Labor Standards Act (“FLSA”) as a collective action on a nationwide collective basis, and (2) Massachusetts wage law on a Massachusetts class basis. (Docket No. 1). Defendant Handy Technologies, Inc. (“Defendant” or “Handy”) filed a Motion to Compel Arbitration and Dismiss Complaint (“Motion to Compel”) pursuant to the Federal Arbitration Act (“FAA”) on August 10, 2015. (Docket Nos. 8, 9). That same day, Plaintiff filed a Motion for Notice to Be Issued to Similarly Situated Employees Pursuant to 29 U.S.C. § 206 (“Motion for Certification”) under the Fair Labor Standards Act (“FLSA”). (Docket No. 6). If Handy’s Motion to Compel is granted, the case will proceed to individual arbitration and there will be no need for the Court to address Plaintiff’s Motion for Certification. Accordingly, Handy hereby moves for an order staying proceedings in this case, including discovery and briefing on Plaintiff’s Motion for Certification, pending a hearing on its Motion to Compel because:

(1) Handy would be prejudiced if it is forced to litigate or engage in discovery regarding the issue of whether a class should be conditionally certified while its Motion to Compel is pending;

With the caveat that the Fair Labor Standards Act opt-in limitation period is hereby tolled until the ruling of this Court on defendant's motion to compel arbitration (Docket No. 8), motion allowed.

SJSM Boston, USDJ 8/20/15